

**THIS DECISION HAS BEEN APPEALED. THE  
FOLLOWING IS THE RELATED SOAH DECISION NUMBER:**

**SOAH DOCKET NO. 453-04-1513.M4**

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 7/3/02.

**I. DISPUTE**

Whether there should be reimbursement for psychiatric examination 90801, psychological testing 90830, preparation of report 90889 and chronic pain management service 97799 for services from 8/6/01 through 10/29/01.

**II. RATIONALE**

All services were denied by the respondent based on "R" extent of injury. A Benefit Contested Case Hearing was held on 5/6/03 that determined the disputed services were not related to the compensable injury. This decision was not appealed by the requestor and is therefore a final adjudication by the Commission.

Rule 134.600 (c) states," The carrier is not liable under subsection (b) of this section if there has been a final adjudication that the injury is not compensable or that the health care was provided for a condition unrelated to the compensable injury."

On this basis, reimbursement for the disputed services is not recommended.

**III. DECISION**

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is not** entitled to reimbursement for psychiatric examination 90801, psychological testing 90830, preparation of report 90889 and chronic pain management 97799.

The above Findings and Decision are hereby issued this 4th day of November 2003.

Noel L. Beavers  
Medical Dispute Resolution Officer  
Medical Review Division

NLB/nlb